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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,937	11/13/2001	Pedro S. Baranda	OT-4986;60,469-054	5631

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EXAMINER

CHARLES, MARCUS

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/010,937	Applicant(s) BARANDA ET AL.	
	Examiner Marcus Charles	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 14-24 and 26-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 14-24, and 26-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the amendment filed 06-23-2006, which has been entered.

Claims 1-9, 14-24, and 26-42 are currently pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 9, 15-16, 24, 40 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) in view Kilborn et al. (2,740,459). WO (01-14630) discloses an elevator belt (22) comprising a plurality of cords (28, 30) aligned parallel to the longitudinal axis; a jacket (26) made from urethane over the cords, the jacket includes a generally smooth surface. WO (01-14630) does not disclose the cords are tensioned individually while applying the jackets. Kilborn et al. discloses a belt comprising a plurality of cords, which are tensioned individually in order to keep the belt perfectly aligned thus decreasing the efficiency of the belt (col.1, lines 34-64).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the belt of WO (01-14630) so that each cord is tensioned individually with a selected tension in view of Kilborn et al. in order to keep the belt perfectly aligned thus increasing the efficiency of the belt.

In claims 3 and 4, it is apparent that the tension on each cord would be adjusted to be consistent with the desired configuration.

In claim 9, it is apparent that a cooling operation would be carried out after the jacket has been applied.

In claims 28, 32 and 36 it is apparent that the cords will inadvertently move while applying the jacket to the cord. Note, applicant discloses that it is well known for the cord to move during application of the jacket.

In claims 29-30, 32, 35 and 37, WO (01-14630) and Kilborn et al. discloses the claimed invention.

In claims 34 and 38, it is apparent that the tension forces will be the same on both sides of the applicator because the tension forces will be the same as the reaction forces on the opposite side.

Regarding claims 15-16, it is apparent that the method and process steps would be inherently included during the manufacturing of WO (01-14630) and Kilborn et al. device.

In claims 40 and 42, the claimed invention is inherently included in WO (01-14630) in view Kilborn et al device.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) in view Kilborn et al. as applied to claim 1 above, and further in view of Nassimbene (2,194,833). Neither WO (01-14630) nor Kilborn et al. disclose the cords having different tensioning. Nassimbene discloses a belt having unequal tension in the cords (see col.1, lines 32-36) in order to increase the strength of the belt at the middle to overcome increased load concentration. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of WO (01-

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14630) so that the cords have unequal tensioning as disclose by Nassimbene in order to increase the strength of the belt at the middle to overcome the are of increase load concentration.

4. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) in view Kilborn et al. as applied to claim 1 above, and further in view of Harper (3,848,037). WO (01-14630) discloses that the jacket is made from urethane but do not disclose the urethane is a waxless urethane. The used of urethane is equivalent to polyurethane and one can be substitute for the other. Harper discloses a polyurethane material free of wax in order to provide a clean and blemish free surface and to avoid blister, flakes or peel from the wax. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the jacket of WO (01-14630) so that it is made from waxless urethane in view of Harper in order to provide a clean and blemish free surface and to avoid blister, flakes or peel from the wax.

5. In claim 19 and 24, WO (01-14630) discloses the use of polyurethane as a common coating (jacket) for the tensile cords.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) in view Kilborn et al. as applied to claim 1 above, and further in view of Tsai (6,727,433). WO (01-14630) and Kilborn et al. do not disclose the molding device having an opening with a non-linear configuration. Tsai disclose a molding device (70) having an opening from which the molded belt of cable is extruded and the surface of the opening is not linear. Therefore, it would have been obvious to one of ordinary skill

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in the art at the time of the invention to modify the device of WO (01-14630) so that the has belt is molds from a mold having non-linear openings in view of Tsai reduce the material of the jacket without compromising the strength of the belt and to provide a belt with non-slipping surface features.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) In view of Harper. WO (01-14630) discloses the claimed invention above but does not disclose the polyurethane is waxless polyurethane. Harper discloses a polyurethane material free of wax in order to provide a clean and blemish free surface and to avoid blister, flakes or peel from the wax. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the jacket of WO (01-14630) so that it is made from waxless polyurethane in view of Harper in order to in order to provide a clean and blemish free surface and to avoid blister, flakes or peel from the wax.

8. In claim 41, the claimed invention is inherently included in WO (01-14630) in view Harper device

9. Claims 20, 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) in view of Harper. WO (01-14630) discloses the claimed invention above but does not disclose the polyurethane is waxless polyurethane. The used of urethane is equivalent to polyurethane and one can be substitute for the other. Harper discloses a polyurethane material free of wax in order to provide a clean and blemish free surface and to avoid blister, flakes or peel from the wax. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the

jacket of WO (01-14630) so that it is made from waxless urethane in view of Harper in order to in order to provide a clean and blemish free surface and to avoid blister, flakes or peel from the wax.

10. Claims 35 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) In view of Harper as applied to claim 24 above, and further in view of Pitts et al. (2003/0069101). WO (01-14630) In view of Harper does not disclose the application of the jacket is continuously and uninterrupted. Pitts et al. disclose the claimed invention in order to create a uniform surface. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the device of WO (01-14630) so that the process is carried continuously and uninterrupted in view of Pitts et al. in order to create a uniform surface.

Response to Arguments

11. Applicant's arguments with respect to the rejection(s) of claim(s) 1, 3-9, 14-15 and 1724, and 26-39 filed 06-23-2006 have been fully considered but they are not persuasive. Applicant contended that the technique use by Kilborn et al cannot be used to make a belt disclose by WO 01-14630) in that Kilborn et al provides for the cords to rest on a table. It should be noted that the Kilborn et al reference was not used to determined how the belt was made but tensioning the cords individually. Applicant also contended that even if the combination could be made the result would not be the same. It should be noted that if the prior art meets the limitation of the claimed invention as claimed, the result would be much the same. As stated before, WO (01-14630) teaches cords having different diameter sizes cords along the width of the belt.

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In order for there to be uniform strength along the length and width of the belt, it would have been possible selectively tensioning tension each cord on an individual basis in a manner taught by Kilborn et al. Therefore, one of ordinary in the art would be able to tension each cord individually to achieve uniform load. It is old and well known in the art to tension cords on an individual basis and the belt to WO (01-14630) is no exception. By individually tensioning the belt. It would allow one of ordinary skill in the art to desirably control the tension in each cord, as it is very difficult to control the simultaneous tensioning of the cords.

Regarding argument relating to claim 2, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art to carry out individual unequal tensioning on the cords of WO (01-14630) as taught by Nassimbene. Nassimbene specifically discloses (col. 1. lines 1-4) that the invention is appropriate to belts with greater width and thickness. An elevator belt has greater width than thickness. Therefore, the rejection is deemed proper

12. In response to the waxless urethane, Applicant contended that Harper indicates the arrangement for avoiding wax associated with a mold release agent from clinging to the exterior surface of a mold. It should be noted that if Harper does not want wax to be

associated with the mold, Harper would not use a wax Urethane in molding process. Applicant contended that Harper uses urethane with typically includes wax. It must be understood that since Harper intention to avoid wax to associate with mold agent, it is reasonable to suggest or interpret that the Urethane of Harper is void of wax.

In addition, applicant contend that there is no suggestion to combine the WO 01/14630 with the Harper references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Marcus Charles
Primary Examiner
Art Unit 3682
August 26, 2006